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January 12, 2023

VIA CM/ECF

Ms. Alicia Davis
U.S. District Clerk's Office
U.S. District Court for the Western District of Texas
501 West Fifth Street, Suite 1100
Austin, Texas 78701

Re: *Kevin Clarke, et al. v. Commodity Futures Trading Commission*, No. 1:22-cv-00909-LY, Notice of Petition for a Writ of Mandamus

Dear Ms. Davis:

Pursuant to Federal Rule of Appellate Procedure 21(a)(1), Plaintiffs provide the Court with a copy of the attached documents: (1) a Motion for Injunction Pending Appeal or, in the alternative, Petition for a Writ of Mandamus, filed in the U.S. Court of Appeals for the Fifth Circuit on January 3, 2023, and (2) a Reply in Support of that Motion that Plaintiffs filed with the U.S. Court of Appeals for the Fifth Circuit this evening. Please do not hesitate to contact me with any questions.

Sincerely,

/s/ **Michael J. Edney**

Michael J. Edney

Counsel for Plaintiffs Kevin Clarke, Trevor Boeckmann, Harry Crane, Corwin Smidt, Predict It, Inc., Aristotle International, Inc., Michael Beeler, Mark Borghi, Richard Hanania, James D. Miller, Josiah Neeley, Grant Schneider, and Wes Shepherd

cc: All Counsel of Record (via CM/ECF)